



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/249,916	02/12/1999	BILL HOERNER	29020/96007B2	1482

7590

11/20/2003

James A. Flight
MARSHALL, O'TOOLE, GERSTEIN, MURRAY & BORUN
6300 Sears Tower
233 South Wacker Drive
Chicago, IL 60606-6402

EXAMINER

LEV, BRUCE ALLEN

ART UNIT	PAPER NUMBER
----------	--------------

3634

DATE MAILED: 11/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/249,916

Applicant(s)

Hoerner

Examiner

Bruce A. Lev

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Oct 29, 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-20 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19 is/are allowed.
- 6) ☒ Claim(s) 17, 18, and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

BRUCE A. LEV
PRIMARY EXAMINER

Art Unit: 3634

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. Claims 17, 18, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by *Miller 4,532,743*.

As concerns claim 17, Miller sets forth a panel comprising a frame (inclusive of members 30, 32, and 34)) defining at least one central area, the frame including a horizontal member 30 *adapted to be* coupled to a hinge member for hingedly connecting to another panel; and a plurality of material layers 20 and 22 received within the central area and held in place by the frame, the layers being movable relative to each other.

As concerns claim 18, Miller sets forth the frame being formed from aluminum extrusions. As concerns the extrusions joined by a weldment, the examiner takes the position that the process by which an apparatus is made (*Product by Process*) is not given patentable weight within an apparatus claim.

As concerns claim 20, Miller sets forth the sectional door panel, as advanced above, including the method of providing a frame defining a central area; inserting layers of material into the central area, and to provide relative movement between the layers; and coupling a hinge member (viewed as inclusive of member 125) to the frame allowing the panel *to be hinged* to another door panel.

Art Unit: 3634

Allowable Subject Matter

2. Claim 19 is allowed.
3. The following is an examiner's statement of reasons for allowance:

Structural limitations pertaining to the *layers* comprising a *polystyrene core* sandwiched between *polyethylene skin layers*, along with the other structural limitations are neither taught nor suggested by the prior art of record.

Response to Amendment

4. Applicant's remarks filed Oct 29, 2003 have been fully considered but they are not deemed to be persuasive.

As concerns remarks pertaining to the reference of Miller, the examiner reiterates the position that Miller sets forth a panel comprising a frame defining at least one central area, the frame including a horizontal member *adapted to be* coupled to a hinge member for hingedly connecting to another panel; and a plurality of material layers (viewed as panel members 20 and 22) received within the central area and held in place by the frame, the layers being movable relative to each other. As for the phrase "held in place", the examiner points out that the panels of Miller are "held in place" as well. If the applicant has a different definition, or mechanical system for "holding the panels in place" this must be reflected in the actual claim language along with structural limitations that would perform this task differently.

Art Unit: 3634

Conclusion

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office Action.

THIS ACTION IS MADE FINAL. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Conclusion

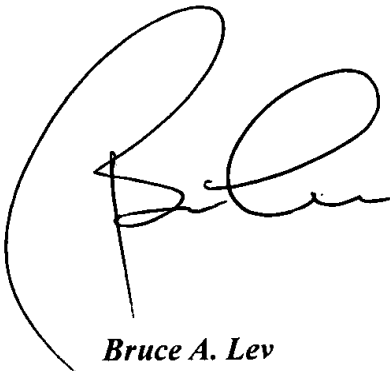
Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably **accompany** the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 3634

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bruce A. Lev whose telephone number is (703) 308-7470.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2168.

November 17, 2003

A handwritten signature in black ink, appearing to read 'B. Lev', with a large, sweeping initial 'B'.

Bruce A. Lev

Primary Examiner

Group 3600